

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU**

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WA.No. 1860 of 2006(A)

AGAINST THE JUDGEMENT IN WPC.18297/2006 Dated 24/08/2006

.....

APPELLANT: PETITIONERS IN WPC

- 1. KUMARI ANITHA.K.M., MEKKACHERUPALAKKAL
VEEDU, MENALLOOR, NEYYATTINKARA,
STAFF NURSE, S.A.T. HOSPITAL,
MEDICAL COLLEGE HOSPITAL, TRIVANDRUM.**
- 2. JOSEY MOL.S., T.C.NO.11/950,
JOSE BHAVAN, CHARACHIRA, NANTHANKODU,
TRIVANDRUM, STAFF NURSE, MEDICAL COLLEGE
HOSPITAL, TRIVANDRUM.**
- 3. SHEEJA KUMARI.G.,
THARAVEEDU PALLICKAL, VEDIVECHANCOIL,
TRIVANDRUM, STAFF NURSE, MEDICAL COLLEGE
HOSPITAL, TRIVANDRUM.**
- 4. MOHAMALLIKA.S., CHEROOTUVILA VEEDU,
ATHIYANNOOR, ARALUMOODU P.O.,
STAFF NURSE, MEDICAL COLLEGE, TRIVANDRUM.**
- 5. LEKHA.A.V., RAMNIVAS,
VENKODU P.O., VATTAPPARA, TRIVANDRUM,
STAFF NURSE MEDICAL COLLEGE, TRIVANDRUM.**
- 6. SHEEJA.R.S., KRISHNA HARI,
T.C.9-262(1), SASTHAMANGALAM P.O.,
TRIVANDRUM, STAFF NURSE, MEDICAL COLLEGE
HOSPITAL, TRIVANDRUM.**
- 7. MANJU.K.S., GEETHANJALI,
VENNIYOOR VENGANOOR P.O., TRIVANDRUM,**

**STAFF NURSE, PUBLIC HEALTH CENTRE,
TRIVANDRUM.**

**8. REETHAMMA THOMAS, BETHEL HOUSE,
PUTHUPPALLY LANE, STAFF NURSE, SREEVITTAM
TIRUNAL HOSPITAL, TRIVANDRUM.**

**BY ADV. SRI.N.HARIHARAN
SRI.RADHAKRISHNA PILLAI.G.**

RESPONDENTS: RESPONDENTS IN WPC

**1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

**2. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.**

**3. THE DISTRICT MEDICAL OFFICER,
THIRUVANANTHAPURAM.**

BY GOVT. PLEADER MR. SANDESH RAJA

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 09/01/2007,
ALONG WITH WA NO. 2127 OF 2006 THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

**K.A.ABDUL GAFOOR &
K.R. UDAYABHANU, JJ.**

=====

W.A.NOS.1860 & 2127 OF 2006

=====

DATED THIS THE 9th DAY OF JANUARY 2007

JUDGMENT

Abdul Gafoor,J.

The appellants in W.A.No.1860/2006 were appointed as Staff Nurses on temporary basis and their services have been terminated in the year 2003. Some of them have worked for more than ten years. They approached this Court seeking regularisation. It was rejected by the learned single Judge. Therefore, this appeal.

2. The appellant in W.A.No.2127/2006 was appointed provisionally as Junior Public Health Nurse at the Primary Health Centre on 8-2-1990 and her service was terminated in the year 2002 and thereafter she was appointed in 2003 on casual basis on daily wages and is being continued to be engaged. She also approached this Court seeking regularisation. That case was also dismissed.

3. The contention raised by the appellants in these cases is that there were an earlier direction by the Supreme Court in the case of Junior Public Health Nurses, considering their long term temporary service, to consider them for regularisation. Similar treatment has to

be given to the appellants in these appeals also, it is submitted.

4. As per the decision of Constitution Bench of the Supreme Court in **Secretary, State of Karnataka and others v. Umadevi and others [(2006)4 SCC 1]**, temporary hands do not have any right for regularisation and to continue in service. In the above decision it has been clarified in paragraph 53 that such employees irregularly, but not illegally, appointed and continued for more than 10 years on temporary basis could be considered for regularisation, if such appointment had been against regular sanctioned posts. The appellants will not come within that purview because the services of appellants in W.A.No.1860/2006 had already been terminated long ago and the appellant in W.A.No.2127/2006 is admittedly since 2002 onwards being engaged only on casual basis on daily wages which will not come under the temporary appointment. Therefore, these writ appeals are liable to be dismissed. We order accordingly.

**K.A.ABDUL GAFOOR
JUDGE**

**K.R.UDAYABHANU,
JUDGE**

ks.

